

REMARKS

Claims 1-10 have been examined. With this amendment, claims 7-10 have been canceled and claims 11-14 have been added. Claims 1-6 and 11-14 are all the claims pending in the application.

I. Formalities

Applicants thank the Examiner for acknowledging the claim to foreign priority under 35 U.S.C. § 119 and confirming receipt of the certified copies of the priority documents.

The Examiner did not indicate whether the Formal Drawings filed on October 22, 2001, have been accepted. Applicants respectfully request that the Examiner indicate whether the aforementioned Formal Drawings have been accepted in the next Office Action.

II. Election/Restrictions

Applicants thank the Examiner for confirming the election, without traverse, of species 1, claims 1-6. Applicants reserve the right to file divisional applications directed to non-elected claims 7-10.

III. Claim Rejections - 35 USC § 102

The Examiner has rejected claims 1-2 and 4 under 35 U.S.C. 102(b) as being anticipated by Shimamura et al. (US 5,713,054) [“Shimamura’]. For at least the following reasons, Applicants traverse the rejection.

Claim 1 recites a film autoloader that comprises “a joint detecting section for detecting a film joint portion between a first photographic film and a second photographic film … [and] a film separating section for separating the first photographic film from the spliced film on the

basis of information from the joint detecting section.” (emphasis added). The Examiner contends that Fig. 2 of Shimamura discloses elements 1A and 1B which correspond to the claimed joint detecting section. The Examiner does not provide any further analysis with respect to this feature.

Shimamura discloses that elements 1A and 1B are film splicing assemblies formed by connecting the leading ends of film rolls to a single leader 48 (col. 5, 60-65, Figs. 9 and 10). There is no disclosure or suggestion that the film splicing assemblies 1A , 1B have a capability to “detect” anything. In fact, Shimamura is completely silent on detecting any film joint portion. Therefore, Shimamura does not disclose or suggest detecting the claimed film joint portion as set forth in claim 1.

Further, to the extent Shimamura discloses a separation of the film, it is in context with separating films 47a and 47b from patrons 50 and cartridges 51, respectively (col. 3, lines 59-65). There is no disclosure or suggestion that a film is separated from another film on the “basis of information from the joint detecting section” as set forth in claim 1. To the extent that the films may eventually be separated, it is not necessarily inherent that the apparatus of Shimamura performs the separation. It is possible that the separation is done manually by an operator.

Applicants submit that claims 2 and 4 are patentable at least by virtue of their dependency on claim 1.

In addition, claim 4 recites that “the spliced film [is cut] in a vicinity of the film joint portion.” The Examiner cites a section of Shimamura describing the separation of films 47a and

47b from patrones 50 and cartridges 51 as allegedly disclosing this feature. In claim 1, the Examiner alleges that splice assemblies 1A and 1B relate to the claimed film joint portion.

Applicants submit that, to the extent Shimamura discloses cutting the film, it is at the tail end that is connected to the patrones 50 or cartridges 51, not the lead end with splice assemblies 1A and 1B that allegedly relate to the claimed joint. Shimamura is silent as to whether the film is cut at the splice assemblies 1A and 1B. Therefore, Shimamura does not disclose the claimed combination.

IV. Claim Rejections - 35 U.S.C. § 103(a)

The Examiner has rejected claims 3, 5 and 6 under 35 U.S.C. 103(a) as being unpatentable over Shimamura in view of Shiota (US 5,212,512) [“Shiota”]. For at least the following reason, Applicants traverse the rejection.

Because Shiota does not cure the deficient teachings of Shimamura with respect to claim 1, Applicants submit that claim 3 is patentable at least by virtue of its dependency.

Because Claim 5 recites features similar to those in claim 1, Applicants submit that claim 5 is patentable for at least reasons similar to those given above with respect to claim 1.

Applicants submit that claim 6 is patentable at least by virtue of its dependency on claim 6. In addition, the Examiner takes official notice to the claimed scanning and pre-scanning.

“It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are ... assertions of technical facts in the areas of esoteric technology or specific knowledge.” MPEP 2144.03.

Applicants submit that image scanning technology qualifies as esoteric technology or specific knowledge, therefore, the Examiner must find support in the prior art to support any rejection.

V. New Claims

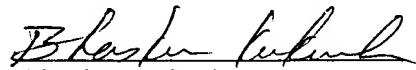
With this amendment, Applicants add claims 11-14. Applicants submit that claims 11, 12 and 14 are patentable at least by virtue of their respective dependencies, as well as the features set forth therein. Applicants submit that claim 13 is patentable for at least reasons similar to those given above with respect to claim 1.

VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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